

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,092	08/28/2003	Adam David Mongeau	BLTC002/00US	5903

22903 7590 07/14/2005

COOLEY GODWARD LLP
ATTN: PATENT GROUP
11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE- RESTON TOWN CENTER
RESTON, VA 20190-5061

EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/650,092	Applicant(s) MONGEAU, ADAM DAVID	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,8-16,18-21,23,27,28,31,33-36,38,39,41 and 44-51 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,8,11-16,18-21,23,27,28,31,33-36,38,39,41 and 44-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the fourth office action for application number 10/650,092, Mount for An Input Device, filed on August 28, 2003.

Election/Restrictions

Claims 9 and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 2, 2004.

Response to Amendment

The examiner respectfully withdraws the indicated allowability of claims 7, 22, 32, and 44 in view of the newly discovered reference to Ballard. Rejections based on the newly cited reference follow.

Cancellation of Claims

Claims 2-4, 7, 17, 22, 24-26, 29, 30, 32, 37, 40, 42, and 43 have been canceled per applicants request.

Claim Rejections - 35 USC § 112

Claims 11, 14, 15, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "an input device," in line 2 of the claim is intended to refer to the original recitation of the term "an input device," in line 4 of claim 1. The applicant is suggested to change the latter recitation to either --the input device-- or --said input device--. Also, see claim 34.

Claim 14 recites the limitation "the visual output device" in line 2. There is insufficient antecedent basis for this limitation in the claim. The original recitation is drawn to "an output device" only.

Claim 15 recites the limitation "the keyboard" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, 8, 11-15, 27, 28, 31, 33-36, 38, 39, 41, and 44-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,918,841 to Sweere et al., hereinafter, Sweere in view of U.S. Patent 6,179,261 to Lin and in further view of U.S. Patent 5,330,283 to Ballard. Sweere discloses an apparatus (1200) comprising: a support member (1214); a first mount/clamp (1010) coupled to the support member and configured to removably retain an input device without modification to the input device, the first mount having a first retention member (1018) and a second retention member

Art Unit: 3632

(1038), the second retention member being movably with respect to the first retention member between a first position and a second position, a distance between the first retention member and the second retention member when the second retention member is in its first position being greater than a distance between the first retention member and the second retention member when the second retention member is in its second position; a second mount (222) coupled to the support member and configured to couple to an output device; wherein the first retention member is fixedly coupled to the first mount; wherein the first mount is pivotally coupled to the support member and is configured to pivot from a first position to a second position substantially perpendicular to the first position; wherein the first mount is configured to removably retain an input device; wherein the first device is configured to contact a first side of the input device and a second side of the input device, the second side of the input device is parallel to the first side of the input device; and wherein the first mount has a first elongate member (1016) and a second elongate member (1018), the first elongate member is slidably coupled to the first elongate member, at least one of the first elongate member and the second elongate member configured to retain the input device.

Sweere discloses the claimed invention except for the limitation of the second retention member being biased to its second position. Lin teaches that it is known to have an apparatus comprising a first mount (1) attachable to a support member, wherein the mount includes a first retention member (12), a second retention member (11) being movable with respect to the first retention member between a first position and a second position, a distance between the first retention member and the second

Art Unit: 3632

retention member when the second retention member is in its first position being greater than a distance between the first retention member and the second retention member when the second retention member is in its second position, and the second retention member being biased to its second position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the apparatus in Sweere to have included the mount as taught by Lin for the purpose of providing a more secured means for elastically retaining an input device on the first mount.

Sweere further discloses a mounting bracket (1216) coupling the first mount (1010) to the support member (1214), wherein the first mount is slidably coupled to the support member in a first direction and a second direction opposite from the first direction, and wherein the first mount is pivotal attached to the mounting bracket via a support arm (1014). Sweere combined with Lin disclose the claimed invention except for the limitation of the first mount being slidably coupled to the support member in a third direction different than the first direction and the second direction. Ballard discloses a mounting bracket/clamp having a first end (20f) for pivotal attaching to an element and a second end (20e) for slidably attaching to a support member (12) and wherein the clamp is slidably coupled to the support member in a first direction (upwards along the post), a second direction (downwards along the post) opposite from the first direction, and a third direction (laterally along the post) different than the first direction and the second direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mounting bracket

in Sweere to have included the clamp as taught by Ballard for the purpose of increasing the adjustability of the mounting bracket for positioning the mount at various positions on the support member to accommodate the user and for providing a means for accommodating support members of various sizes.

Claims 16, 18, 19, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweere in view of Ballard. Sweere discloses an apparatus comprising: a support member (1214, see Fig. 29); a first mount (1010) pivotally coupled to the support member and configured to retain an input device such that the input device has a range of motion including a first position and a second position, at least one of the first position and the second position being substantially vertical; a second mount (222) coupled to the support member and configured to couple to an output device; wherein the first mount has a first retention member (1018) and a second retention member (1038), the first retention member and the second retention member are configured to retain the input device on the first mount without modification to the input device; wherein the first retention member is fixedly coupled to the first mount, and a distance between the first retention member and the second retention member when the second retention member is in its first position is greater than a distance between the first retention member and the second retention member when the second retention member is in its second position; wherein the first mount has a first elongate member (1016) and a second elongate member (1018), the first elongate member is slidably coupled to the first elongate member, at least one of the first elongate member and the second elongate member configured to retain the input device; and wherein the first

Art Unit: 3632

mount is configured to contact a first side of the input device and a second side of the input device, the second side of the input device is parallel to the first side of the input device.

Sweere further discloses a mounting bracket (1216) coupling the first mount (1010) to the support member (1214), wherein the first mount is slidably coupled to the support member in a first direction and a second direction opposite from the first direction, and wherein the first mount is pivotal attached to the mounting bracket via a support arm (1014). Sweere discloses the claimed invention except for the limitation of the first mount being slidably coupled to the support member in a third direction different than the first direction and the second direction. Ballard discloses a mounting bracket/clamp having a first end (20f) for pivotal attaching to an element and a second end (@20e) for slidably attaching to a support member (12) and wherein the clamp is slidably coupled to the support member in a first direction (upwards along the post), a second direction (downwards along the post) opposite from the first direction, and a third direction (laterally along the post) different than the first direction and the second direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mounting bracket in Sweere to have included the clamp as taught by Ballard for the purpose of increasing the adjustability of the mounting bracket for positioning the mount at various positions on the support member to accommodate the user and for providing a means for accommodating support members of various sizes.

Art Unit: 3632

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sweere combined with Ballard and in further view of Lin. Sweere combined with Ballard disclose the claimed invention except for the limitation of the second retention member being biased to its second position. Lin teaches that it is known to have an apparatus comprising a first mount (1) attachable to a support member, wherein the mount includes a first retention member (12), a second retention member (11) being movable with respect to the first retention member between a first position and a second position, a distance between the first retention member and the second retention member when the second retention member is in its first position being greater than a distance between the first retention member and the second retention member when the second retention member is in its second position, and the second retention member being biased to its second position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the apparatus in Sweere to have included the mount as taught by Lin for the purpose of providing a more secured means for elastically retaining an input device on the first mount.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,955,722 to Bard

U.S. Patent 4,288,053 to Sarkisian

U.S. Patent 4,638,969 to Brown


U.S. Patent 4,729,535 to Frazier et al.

Bard discloses a frame support stand having an adjustable support member. Sarkisian discloses an adjustable mounting bracket for mounting to a post. Brown discloses a video display arrangement. Frazier et al. disclose an assembly for supporting a device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

July 7, 2005